



General Assembly

Substitute Bill No. 796

January Session, 2019



AN ACT CONCERNING SEXUAL ASSAULT FORENSIC EXAMINERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-112f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) There is established a Sexual Assault Forensic Examiners
4 Advisory Committee consisting of the following: (1) The Chief Court
5 Administrator, or the Chief Court Administrator's designee; (2) [the
6 Chief State's Attorney, or the Chief State's Attorney's designee; (3)] the
7 Commissioner of Public Health, or the commissioner's designee; [(4)]
8 (3) the director of the Office of Victim Services, or the director's
9 designee; (4) the chairperson of the Commission on the
10 Standardization of the Collection of Evidence in Sexual Assault
11 Investigations, or the chairperson's designee; (5) a representative from
12 the Division of Scientific Services, appointed by the Commissioner of
13 Emergency Services and Public Protection; [(5) a representative from
14 the Division of State Police appointed by the Commissioner of
15 Emergency Services and Public Protection;] (6) the Victim Advocate, or
16 the Victim Advocate's designee; (7) the president of the Connecticut
17 Hospital Association, or the president's designee; (8) the president of
18 the Connecticut College of Emergency Physicians, or the president's
19 designee; (9) one member from Connecticut Alliance to End Sexual
20 Violence, appointed by its board of directors; (10) [one member from

21 the Connecticut Police Chiefs Association, appointed by the
22 association; (11)] one member from the Connecticut Emergency Nurses
23 Association, appointed by the association; [and (12)] (11) one member
24 from the Connecticut Chapter of the International Association of
25 Forensic Nurses, appointed by the association; (12) one member from
26 the Connecticut Nurses Association, appointed by the association; and
27 (13) the program manager of the sexual assault forensic examiners
28 program established pursuant to subdivision (14) of subsection (b) of
29 section 54-203, as amended by this act, or the program manager's
30 designee.

31 (b) The committee shall [advise] recommend to the Office of Victim
32 Services [on the establishment and implementation of] policies and
33 procedures with regard to the sexual assault forensic examiners
34 program established pursuant to subdivision (14) of subsection (b) of
35 section 54-203, as amended by this act, and section 19a-112g, as
36 amended by this act. [The committee shall make specific
37 recommendations concerning: (1) The recruitment of registered nurses,
38 advanced practice registered nurses and physicians to participate in
39 such program; (2) the development of a specialized training course
40 concerning such program for registered nurses, advanced practice
41 registered nurses and physicians who participate in the program; (3)
42 the development of agreements between the Judicial Branch, the
43 Department of Public Health and acute care hospitals relating to the
44 scope of services offered under the program and hospital standards
45 governing the provision of such services; (4) individual case tracking
46 mechanisms; (5) utilization of medically accepted best practices; and
47 (6) the development of quality assurance measures.]
48 Recommendations from the committee may include, but need not be
49 limited to, the following: (1) The certification process for individuals
50 qualified to participate as sexual assault forensic examiners, as defined
51 in subsection (a) of section 19a-112e, as amended by this act; (2)
52 continuing education requirements for the maintenance and renewal
53 of such certification; (3) the development of quality assurance
54 measures to ensure the needs of victims of sexual assault are met; and

55 (4) such other related recommendations as determined by the
56 committee.

57 (c) [The Sexual Assault Forensic Examiners Advisory Committee
58 shall terminate on June 30, 2013.] Any recommendations of the
59 committee made pursuant to subsection (b) of this section shall be
60 presented to the director of the Office of Victim Services for
61 consideration. The director of the Office of Victim Services may
62 forward such recommendations to the Office of the Chief Court
63 Administrator. The Chief Court Administrator, in his or her discretion,
64 may direct the implementation of such recommendations as policies
65 and procedures pursuant to section 54-207a, as amended by this act.
66 Individuals qualified to participate as sexual assault forensic
67 examiners, as defined in subsection (a) of section 19a-112e, as amended
68 by this act, shall comply with all policies and procedures implemented
69 by the Chief Court Administrator to obtain certification and to remain
70 in good standing.

71 Sec. 2. Section 19a-112e of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective July 1, 2019*):

73 (a) As used in this section and sections 19a-112f and 19a-112g, as
74 amended by this act:

75 (1) "Emergency contraception" means one or more prescription
76 drugs used separately or in combination administered to or self-
77 administered by a patient to prevent pregnancy, within a medically
78 recommended amount of time after sexual intercourse and provided
79 for that purpose, in accordance with professional standards of practice,
80 and determined to be safe by the United States Food and Drug
81 Administration.

82 (2) "Emergency treatment" means any medical examination or
83 treatment provided in a licensed health care facility to a victim of
84 sexual assault following an alleged sexual assault.

85 (3) "Medically and factually accurate and objective" means verified

86 or supported by the weight of research conducted in compliance with
87 accepted scientific methods and published in peer-reviewed journals,
88 where applicable.

89 (4) "Victim of sexual assault" means any [female] person who alleges
90 or is alleged to have suffered an injury as a result of a sexual offense.

91 (5) "Sexual offense" means a violation of subsection (a) of section
92 53a-70, section 53a-70a or 53a-70b, subsection (a) of section 53a-71,
93 section 53a-72a or 53a-72b, subdivision (2) of subsection (a) of section
94 53a-86, subdivision (2) of subsection (a) of section 53a-87 or section
95 53a-90a, 53a-196a or 53a-196b.

96 (6) "Independent provider" means a physician licensed under
97 chapter 370, a physician assistant licensed under chapter 370, an
98 advanced practice registered nurse or registered nurse licensed under
99 chapter 378, or a nurse-midwife licensed under chapter 377, all of
100 whom are trained and certified pursuant to the certification process
101 implemented by the Chief Court Administrator pursuant to subsection
102 (c) of section 19a-112f, as amended by this act, to conduct a forensic
103 exam in accordance with the state of Connecticut Technical Guidelines
104 for Health Care Response to Victims of Sexual Assault, published by
105 the Commission on the Standardization of the Collection of Evidence
106 in Sexual Assault Investigations pursuant to section 19a-112a.

107 (7) "Sexual assault forensic examiner" means a physician or
108 physician assistant licensed pursuant to chapter 370, a registered nurse
109 or advanced practice registered nurse licensed pursuant to chapter 378
110 or nurse midwife licensed pursuant to chapter 377 who has
111 successfully completed the certification process and met all continuing
112 education and recertification requirements implemented by the Chief
113 Court Administrator pursuant to subsection (c) of section 19a-112f, as
114 amended by this act.

115 (8) "Sexual assault nurse examiner" means a registered nurse or an
116 advanced practice registered nurse licensed pursuant to chapter 378

117 who has successfully completed the certification process and met all
118 continuing education and recertification requirements implemented by
119 the Chief Court Administrator pursuant to subsection (c) of section
120 19a-112f, as amended by this act.

121 (9) "Health care facility" means (A) a hospital licensed under chapter
122 368v that has an emergency department, including any free-standing
123 emergency department, or (B) an infirmary operated by The University
124 of Connecticut at Storrs.

125 (b) The standard of care for each [licensed] health care facility that
126 provides emergency treatment to a victim of sexual assault shall
127 include promptly:

128 (1) Providing each victim of sexual assault with medically and
129 factually accurate and objective information relating to emergency
130 contraception;

131 (2) Informing such victim of sexual assault of the availability of
132 emergency contraception, its use and efficacy; and

133 (3) Providing emergency contraception to such victim of sexual
134 assault at the facility upon the request of such victim, except that a
135 [licensed] health care facility shall not be required to provide
136 emergency contraception to a victim of sexual assault who has been
137 determined to be pregnant through the administration of a pregnancy
138 test approved by the United States Food and Drug Administration.

139 (c) In order to comply with the standard of care requirements
140 prescribed in subsection (b) of this section, a [licensed] health care
141 facility [may contract with one or more independent providers to]
142 shall: (1) Ensure compliance at the facility with the standard of care
143 requirements prescribed in said subsection (b), and (2) conduct at the
144 facility a forensic exam of the sexual assault victim in accordance with
145 the state of Connecticut Technical Guidelines for Health Care
146 Response to Victims of Sexual Assault, published by the Commission
147 on the Standardization of the Collection of Evidence in Sexual Assault

148 Investigations pursuant to section 19a-112a. A health care facility may
149 contract with one or more independent providers who has been
150 certified as a sexual assault forensic examiner pursuant to the
151 certification process implemented by the Chief Court Administrator
152 pursuant to subsection (c) of section 19a-112f, as amended by this act.

153 (d) No [licensed] health care facility that provides emergency
154 treatment to a victim of sexual assault shall determine such facility's
155 protocol for complying with the standard of care requirements
156 prescribed in subsection (b) of this section on any basis other than a
157 pregnancy test approved by the United States Food and Drug
158 Administration.

159 (e) No person shall use the title "sexual assault forensic examiner" or
160 "sexual assault nurse examiner", or any variant of such titles, without
161 successfully completing the certification requirements imposed by the
162 Chief Court Administrator pursuant to subsection (c) of section 19a-
163 112f, as amended by this act.

164 Sec. 3. Section 19a-112g of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective July 1, 2019*):

166 [(a) As used in this section:

167 (1) "Sexual assault forensic examiner" means a registered nurse or
168 advanced practice registered nurse licensed pursuant to chapter 378 or
169 a physician licensed pursuant to chapter 370; and

170 (2) "Health care facility" means a facility (A) operated by an
171 institution of higher education, (B) licensed by the Department of
172 Public Health as an infirmary operated by an educational institution or
173 as an outpatient clinic, and (C) accredited by the Joint Commission or
174 the Accreditation Association for Ambulatory Health Care.]

175 [(b)] A sexual assault forensic examiner may provide immediate
176 care and treatment to a victim of sexual assault who is a patient in [an
177 acute care hospital or in] a health care facility and collect evidence

178 pertaining to the investigation of any sexual assault in accordance with
179 the State of Connecticut Technical Guidelines for Health Care
180 Response to Victims of Sexual Assault, published by the Commission
181 on the Standardization of the Collection of Evidence in Sexual Assault
182 Investigations pursuant to section 19a-112a. Services provided by a
183 sexual assault forensic examiner shall be: (1) In accordance with the
184 policies and accreditation standards of the [acute care hospital or]
185 health care facility; and (2) pursuant to a written agreement entered
186 into by the [(A) acute care hospital or] health care facility [, (B)
187 Department of Public Health, and (C)] and the Office of Victim
188 Services concerning the training of identified health care providers and
189 participation of the [acute care hospital or] health care facility in the
190 sexual assault forensic examiners program. Nothing in this section
191 shall be construed as altering the scope of the practice of nursing as set
192 forth in section 20-87a.

193 Sec. 4. Subdivision (14) of subsection (b) of section 54-203 of the
194 general statutes is repealed and the following is substituted in lieu
195 thereof (*Effective July 1, 2019*):

196 (14) To (A) maintain, within available appropriations, a sexual
197 assault forensic examiners program that will train and make available
198 sexual assault forensic examiners to adolescent and adult victims of
199 sexual assault who are patients at participating health care facilities. In
200 order to maintain such program, the Office of Victim Services may
201 apply for, receive, allocate, disburse and account for grants of funds
202 made available by the United States, the state, foundations,
203 corporations and other businesses, agencies or individuals; or (B)
204 establish, within available appropriations, a training program for
205 health care professionals [in nonparticipating health care facilities] on
206 the care of and collection of evidence from adolescent and adult
207 victims of sexual assault;

208 Sec. 5. Section 54-207a of the general statutes is repealed and the
209 following is substituted in lieu thereof (*Effective July 1, 2019*):

210 The Office of the Chief Court Administrator shall prescribe such
 211 policies and procedures, as deemed necessary, to implement the
 212 provisions of sections 54-201 to 54-235, inclusive, and sections 19a-112e
 213 to 19a-112g, inclusive, as amended by this act, and may formulate
 214 standards for the uniform application of the payment of compensation
 215 of claims.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	19a-112f
Sec. 2	<i>July 1, 2019</i>	19a-112e
Sec. 3	<i>July 1, 2019</i>	19a-112g
Sec. 4	<i>July 1, 2019</i>	54-203(b)(14)
Sec. 5	<i>July 1, 2019</i>	54-207a

Statement of Legislative Commissioners:

In section 2(a), "and sections 19a-112f and 19a-112g, as amended by this act" was inserted after "section" for accuracy and the definitions of "Sexual assault forensic examiner" and "Sexual assault nurse examiner" were divided into Subdivs. (7) and (8) for clarity, and in section 2 (e), "process implemented" was changed to "requirements imposed" for accuracy.

PH *Joint Favorable Subst.*